THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 24530 of 2006

Dated: 04-01-2007

Between:

G.V.Krishna Reddy

..... PETITIONER

AND

Secunderabad Cantonment Board,
Rep., by its Chief Executive Officer,
Secunderabad and 2 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 24530 of 2006

O R D E R:

The third respondent herein earlier filed W.P.No.13495 of 2006 alleging inaction on the part of the first respondent in taking action under Section 185 of the Cantonment Act, 1924 with regard to the alleged illegal constructions made by the writ petitioner herein on plot No.18, Avanthi Cooperative Housing Society, Balamrai, Rasoolpura, Secunderabad.

This Court, by order, dated 07-07-2006, disposed of the said writ petition with a direction to the first respondent to consider the complaint made by the petitioner therein (third respondent herein) dated 07-05-2006 and pass appropriate orders in accordance with law after affording due opportunity to the petitioner herein to put forth his version.

It is not in dispute that the first respondent had issued a notice dated 04-11-2006 in terms of the order of this Court in W.P.No.13495 of 2006. In response, the petitioner submitted an explanation taking a specific plea that the master plan does not disclose any Sy.No.75/2, existing in Rasoolpura village. Admittedly the further enquiry is pending.

While so, this writ petition is filed seeking a direction to the first respondent to conduct an enquiry pursuant to the notice dated 04-11-2006 with regard to the question whether Sy.No.75/2, is existing in Rasoolpura village or not.

Heard the learned Counsel for both the parties.

Since the petitioner in his explanation specifically pleaded that S.No.75/2 is not existing, it is for the 1st respondent to consider the same in the light of the material that may be produced by both the parties and to record a finding thereon. The apprehension of the petitioner that the first respondent may not consider the said aspect is without any basis and the writ petition appears to be totally misconceived.

Accordingly, the writ petition is dismissed leaving it open to the first respondent to conduct the enquiry in terms of the order of this Court in W.P.No.13495 of 2006 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Dated: 04-01-2007
KLP